UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA FILED

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CLERK, U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Enrique GARZA-Vences** Defendant.	Magistrate Case No. COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about **March 30, 2008**, within the Southern District of California, defendant **Enrique GARZA-Vences**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
And Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE THIS 1st DAY OF **APRIL, 2008**.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Peter J Stewart, declare under penalty of perjury the following to be true and correct:

On Sunday, March 30, 2008 at about 7:52 AM, **Enrique GARZA-Vences (Defendant)** attempted entry into the United States from Mexico at the San Ysidro, California Port of Entry. Defendant was the driver of a 1993 white Oldsmobile Cutlass Supreme bearing Baja California license plates. Defendant was in the company of a female passenger. Defendant approached a CBP officer manning the inspection booth for primary vehicle lane 19. Defendant declared to the CBP officer that he was going to the "Coronado Swap Meet" in San Diego, California, and gave the CBP officer a negative Customs declaration. Defendant presented as his own, a DSP-150 Border Crossing Card bearing the name Jaime Nery Suarez. On behalf of the female passenger, Defendant presented a DSP-150 bearing the name Solorzano Solano, Renata. The CBP officer queried the DSP-150 that was presented for the female passenger utilizing the card reader at the inspection booth and received a computer generated lookout. Additionally the CBP officer was able to ascertain that the DSP-150 that Defendant presented did not bear any resemblance to Defendant. Defendant and the female passenger were escorted to secondary inspection.

During the secondary inspection it was discovered that both occupants were imposters to the documents that they presented. Defendant was searched by fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS returned a match to the query confirming Defendants identity and linking him to an Immigration Service record and FBI record.

Central Index System (CIS) and Deportable Alien Control System (DACS) queries confirmed Defendant to be a citizen of Mexico with no legal rights or documents to enter the United States. DACS records indicate Defendant was ordered deported from the United States by an Immigration Judge on or about November 15, 2006 and was removed from the United States through San Ysidro, CA. Defendant's Immigration records contain no evidence that Defendant has applied for, or received permission from the Attorney General of the United States or the Secretary of Homeland Security to legally re-enter the United States.

EXECUTED ON THIS 30th DAY OF MARCH 2008 AT 1500 PM.

PETER J STEWART / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (**one**) page(s), I find probable cause to believe that the defendant named therein committed the offense on **March 30, 2008** in violation of Title 8, United States Code, Section 1326.

UNITED STATES MAGISTRATE JUDGE

3/31/08 10:38 AM
DATE / TIME